

Appl. No. 10/045,346
Amdt. Dated November 10, 2005
Reply to Office action of October 3, 2005

APP 1459

Remarks/Arguments

The Examiner has now rejected all of the claims presently in the application, namely claims 1-3, 5-8, 10-14, 16-20, 22, and 23, as anticipated by Agrawal-Ramanathan patent 6,208, 864, March 27, 2001, based on an application filed Dec. 30, 1998. That application was one of a group of related applications all filed on the same day, the group including the application which issued as patent 6,216,005, April 10, 2001, and Application Serial No. 09/223,466, of which the present application is a continuation. All of these related applications disclosed the same subject matter.

In an Office Action of January 13, 2004, the Examiner had rejected claims in the present application on the basis of double patenting over the claims of applicants' patent 6,216,005, which rejection was obviated by a Terminal Disclaimer filed with the Amendment of January 29, 2004.


Applicants submit that since the present application has an effective filing date which is the same as the filing date of applicants' patent 6,208,864, a rejection under 35 USC 102(e) is not appropriate and that the rejection should have been on the basis of double patenting, as was previously done with reference to the companion patent 6,216,005. Accordingly, applicants are submitting herewith a second Terminal Disclaimer for patent 6,208,864.

Since this is the only basis for rejection, applicants submit that this application is now in condition to be passed to issue, and such action is accordingly requested.

For the Examiner's information each of the other applications filed on Dec. 30, 1998, and listed as related applications in patents 6,216,005 and 6,208,864 has been abandoned.

Respectfully submitted,

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